UNITED NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/SR.244
9 February 1994

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Thirteenth session

SUMMARY RECORD OF THE 244th MEETING

Held at Headquarters, New York,
on Tuesday, 25 January 1994, at 3 p.m.

Chairperson: Ms. CORTI

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Second periodic report of New Zealand (continued) (CEDAW/C/NZL/2 and CEDAW/C/NZL/2/Add.1)

1. At the invitation of the Chairperson, Ms. O'Regan (New Zealand) took a place at the Committee table.

2. Ms. O'REGAN (New Zealand), responding to the criticism of the structural adjustment programme in her country, said that the eventual beneficiaries of the reforms under way would be women and other vulnerable groups. A vast majority of New Zealanders were extremely positive about the benefits of the reforms. Over the past 10 years, the budget deficit had dropped from 9 per cent of gross domestic product to 2 per cent, and mortgage interest rates had declined from over 25 per cent to 7.5 per cent. During the same period, growth had averaged 0.6 per cent per annum, and in 1994 a sustainable 3 to 4 per cent growth was expected. Unemployment rates had decreased from 11 per cent to 9.8 per cent.

3. The basic aim of the measures had been to target social welfare benefits to those most in need and not to people in the higher income bracket. Such forms of assistance as the domestic purposes benefit, which was paid to all single women with children, family support payments, cheaper visits to doctors, loans for access to tertiary education, had all been maintained. The Ministry of Women's Affairs was responsible for ensuring that the facts about women and the impact of various programmes on them were known to the Government. The Ministry had for instance been instrumental in making sure that the recent review of superannuation took into account the fact that many women depended upon State provision of superannuation, and the amounts of superannuation payments were linked to the consumer price index to protect those women.

4. On the question of employment contracts, she noted that the Employment Contracts Act aimed inter alia at providing employees with the freedom to choose between collective and individual contracts and to negotiate their terms, and at extending personnel grievance protection, including protection against sexual harassment, to all workers. The Act guaranteed inter alia special paid leave for all employees, minimum wages, trade union access to the workforce and the right of employees to select their bargaining representative.

5. On the question of equal pay for work of equal value, gender-neutral job evaluations had been carried out by the Government in order to guarantee equal employment opportunities for women. In the public sector, equal employment opportunities were mandatory. Equal opportunity programmes must provide for good and safe working conditions, and must recognize the aims and aspirations of the Maori people and the employment requirements of women. Through the Equal Opportunities Trust Fund, the Government encouraged equal opportunity innovations in the private sector.

(Ms. O'Regan, New Zealand)

6. Concerning the comment that unemployment among women seemed higher than among men, she pointed out that men's unemployment had exceeded women's unemployment for most ages since 1988. In March 1993, the rates for women and men had been 9 per cent and 10 per cent respectively. Perhaps the confusion resulted from the high rate of unemployment among Maori women, who made up about 23 per cent of the 9 per cent of women unemployed.

7. She expressed the hope that following her explanation of the Employment Contracts Act, Committee members would understand better her Government's reservation concerning maternity leave. Her Government believed that it was a matter for negotiation between the parties to the employment contract. As a result of negotiations between the Government and the state trade unions, most women in the state sector were entitled to six weeks of paid maternity leave.

8. A comment had been made about the cutting of education expenditure and social welfare benefits. There had been no reduction in the education budget, which had in fact increased substantially over the past three years, particularly in the early childhood and tertiary sectors, as a result of increased enrolment. Expenditure on primary and secondary schools had changed little in recent years because enrolment at those levels had not been rising. In the area of social welfare, a large proportion of the taxpayers' money was spent on benefits, but the system had been changed to ensure that the money available went to the neediest. While there had been no cutbacks in expenditure on health, considerable reforms were being carried out in that area.

9. Turning to the issue of domestic violence, she noted that the police and the courts now treated it with as much seriousness as other forms of violence. The police underwent training to understand domestic violence, and had invited women's groups to participate in that process, which had created a very good relationship between women's refuges and the police. The Government had instituted special measures to deal with domestic violence, including the Domestic Protection Act specifically designed to protect battered women, and funded programmes to rehabilitate violent men. Such programmes sought to impress it upon those men that violence in any form was completely unacceptable.

10. On the issue of prostitution, the Government was aware that existing legislation treated prostitutes and their clients differently. Support was currently being sought from the Government to change the legislation in order to eliminate that difference. In her opinion, it was time to legalize prostitution.

11. On the question of sexual violence, data were collected and monitored by the police, rape crisis centres and women's refuges, as well as by a Government agency which subsidized counselling for victims of sexual abuse.

12. With respect to the political system, as part of the 1993 elections, a referendum had been held which had resulted in a change from the first-past-the-post system to a proportional representation system. Strangely enough, under the previous system, 21 per cent of the people elected to Parliament had been women. Strong affirmative action programmes for women within political parties, in particular the Labour Party, had been largely responsible for that

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achievement. Concerning the comment made about the Executive, from 1990 to 1994, there had been a considerable increase of women at the top executive level, from 14 per cent to 25 per cent. The posts now held by women included the Secretary to the Cabinet office, the Chief Executive of Social Welfare, the Deputy Ombudsman, the Parliamentary Commissioner for the Environment and a number of mayors, including mayors of three major cities.

13. On the question of the role that New Zealand could play in international initiatives for the advancement of women, she noted that her Government was doing its utmost to ensure and enhance the rights and situation of women within its own society as well as within the United Nations system and throughout the world. At the multilateral level, New Zealand had taken an active role in promoting women's rights by sponsoring resolutions of the General Assembly and participating in the drafting of such instruments as the Declaration on the Elimination of Violence against Women. The seriousness with which her country had approached its obligations under human rights treaties highlighted its readiness to accept its responsibility to participate in international initiatives for the advancement of women. At the bilateral level, New Zealand's foreign aid projects had been aimed at women and development especially in the neighbouring Pacific Islands.

14. Concerning discrimination in New Zealand, although her country had done well thus far, it still had a long way to go. There was, however, no legal discrimination against women; the laws that had been seen as discriminatory against women had been abolished in the 1970s.

15. Ms. O'Regan (New Zealand) withdrew.

Second and third periodic reports of Ecuador (continued) (CEDAW/C/ECU/3 and CEDAW/C/13/Add.31)

16. At the invitation of the Chairperson, Ms. Estrada-Castillo (Ecuador) took a place at the Committee table.

17. Ms. ESTRADA-CASTILLO (Ecuador) said that the severe economic recession her country had been undergoing since 1980 had forced the Government to apply economic measures which had adversely affected the most vulnerable groups in the society, namely women and children. One of the consequences of the general economic decline from 1980 to 1990 had been a severe reduction in social spending. Social security coverage was one of the lowest in Latin America, amounting to hardly 26 per cent in real terms: 76 per cent of women working in the formal economy were affiliated to the social security system, but only 9 per cent of those in the informal sector, and the indigenous population had no coverage at all. In order to remedy that situation, the Government had created in 1988 a "social front" comprising the Ministries of Social Welfare, Labour, Health and Education. Its main aim was to nationalize and strengthen programmes, projects and policies relating to the protection of women and the neediest sections of society and to eliminate recurrent problems of bureaucratic management by the State. In the same year the National Council for Social Development responsible for the development of social policies had been established, and in 1992, the Fund for Social Investment had been set up to

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channel investment to social support projects aimed primarily at the country's peasant women and minors.

18. According to a survey carried out by UNICEF in 1993, 67 per cent of Ecuadorian households were below the critical poverty level. Structural adjustment measures had seriously affected the social programmes of the Ministry of Social Welfare, whose budget had been cut by 47 per cent since 1993. Despite a provision that 30 per cent of the national budget must be devoted to education, the allocation for education had been reduced to 5 per cent, with disastrous consequences. Over the past five years the upper and middle class - representing 10 per cent of the population - had enjoyed a 50 per cent increase in income, while the income of the working class had fallen from 19 to 15 per cent of total income. The gap between the rich and the poor was widening as the middle class was being absorbed into the working class. Unemployment stood at 12 per cent of the economically active population and underemployment at 56 per cent. About 48 per cent of the economically active population worked in the informal sector and 31 per cent of women worked in domestic service. There were about 140,000 working children in the two main towns, Quito and Guayaquil; it was not known how many working children there were in other parts of the country. Many children aged between 8 and 14 were engaged in domestic service, and contributed a substantial proportion of family income. School enrolment rates were very low; only about 30 per cent of the population aged between 15 and 19 had completed the primary cycle. Illiteracy among children aged 12 to 14 years was 5.5 per cent in urban areas and 8.7 per cent in rural areas. The previous Government had undertaken a literacy campaign which had had considerable success and had led to a sharp decline in the illiteracy rate of women, from 60 per cent to 38 per cent.

19. No gender-specific studies had been carried out on the disabled, and it was therefore not known how many disabled women there were; about 18 per cent of the total population was disabled. A 1982 law on the disabled had included tax exemptions and special import privileges for the disabled; the Government had also launched a campaign to make public places accessible to the disabled. A national programme for the disabled had been initiated in 1991. The Ministries of Health, Education, Labour and Social Welfare had undertaken projects in the areas of medical care, special education, training and rehabilitation, respectively. Unfortunately the programmes and projects carried out had generally been concentrated in the major towns; rural areas had been largely neglected. The Government had increased the allocation of resources for the disabled, but the money had been used to equip institutions and pay salaries. There were over 560,000 disabled children, but only 2,000 special education teachers. There were no policies in the area of prevention, although the main causes of disability - maternal and child malnutrition, lack of pre- and postnatal care, and absence of immunization - were all preventable. The supply of drinking water and of sanitation services was also grossly inadequate, and the problem was compounded by the large-scale migration to urban areas, which was leading to a situation where agricultural work was being carried out mainly by women and children. The only response of the Government had been the implementation of projects by the Ministry of Agriculture to provide specialized technology for women. The existence of child labour in agriculture was not

(Ms. Estrada-Castillo, Ecuador)

often acknowledged even though children as young as six worked the fields or performed household tasks.

20. The socio-economic situation had sharply deteriorated since the date of the report. The infant mortality rate was 54 per thousand live births, which was one of the highest rates in Latin America. The under-5 mortality rate was 17.72 per thousand and maternal mortality was 134 per thousand. The infant mortality rate was directly associated with living conditions and resulted from infectious, digestive and respiratory diseases and above all, malnutrition: about 50 per cent of children under the age of 5 were seriously malnourished. A new children's code had been adopted in 1992, following Ecuador's ratification of the Convention on the Rights of the Child, incorporating all the provisions of that Convention. The previous code had been adopted in 1938 and had hardly been changed. Ecuador's first family code was under consideration by the National Congress; women's problems were addressed in a special chapter, which covered crimes against women, including domestic violence, sexual harassment and incest and provided for penalties for violence against women and children. Male members of the legislature had strongly objected to the inclusion of penalties in the code, but women deputies felt that it was essential to have means of coercion.

21. Replying to the questions formulated by the pre-session working group in document CEDAW/C/1994/CRP.2 she said that the draft law on the establishment of the National Institute for Women had not yet been approved because there was strong opposition to establishing the Institute outside the Ministry of Social Welfare. The National Directorate for Women was not fully operational because of serious financial problems resulting from the cuts in social spending. Political support had been lagging, and the Directorate was implementing its own projects using external resources.

22. The results of the National Development Plan had not been evaluated; regrettably, there had been no serious follow-up of the situation of women in Ecuador or the success of projects and programmes.

23. The Parliamentary Committee for Women, Children and the Family was not a permanent committee; however, the National Congress was considering a proposal to make it permanent. The Committee was able to draft proposals for legal reform and submit them to the National Congress. It had proposed changes in the Penal Code and, with UNICEF, had put forward the proposal for a family code.

24. Regarding the status of legislative reforms, she said that in respect of the law to reform the Electoral Law, requiring that a minimum of 25 per cent of the candidates on the lists submitted for elections must be women, legislators had argued that that requirement could not be imposed and that participation in elections must be democratic. The draft law also provided that 10 per cent of State resources provided to political parties should be used for the political training of Ecuadorian women, but the political parties found that requirement unacceptable.

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25. The draft law on the provision of supplementary maintenance payments for minors had been rejected. A draft law to reform the Code of Civil Procedure which would eliminate discrimination against disabled beggars and prostitutes as witnesses was still pending. A decree providing for special retirement with full benefits for working mothers who had been employed for 25 years and had more than five children had been rejected because it was felt that it gave special treatment to women and because the Ecuadorian social security institute did not have sufficient resources. The draft reform of the Civil Service and Administrative Careers Act, which would extend the maternity protection provisions of the Labour Code to women in the public sector, was still pending; it would provide for day nurseries and facilities for nursing mothers.

26. A draft law on the legal recognition of illegitimate children had been unanimously rejected by the National Congress, and had been rejected by the public at large; although women were frequently unable to secure legal recognition of their children, there was a fear that women might try to name wealthy men as their children's fathers if the burden of proof were shifted to the alleged father.

27. The proposal to make annual medical examinations mandatory for women with a view to the early detection of cancer of the uterus had been rejected by the National Congress because of strong opposition from employers who complained of the high cost involved. Similarly, the proposal to pay a special annual bonus to female workers had been rejected on the grounds that it discriminated against male workers.

28. The draft reforms of the Labour Code had been passed at first reading in the National Congress and were currently awaiting a vote in committee before they became law. Under the new provisions, pregnant women and nursing mothers would be entitled to longer periods of maternity leave.

29. Notable progress had been achieved over the previous decade in reforming the Criminal Code and the Code of Criminal Procedure. Women who were physically assaulted by their spouses or relatives could now have recourse to the courts. The offence of adultery, under which women were treated more severely than men, had been eliminated from the Criminal Code, although it remained in the Civil Code as grounds for divorce. Moreover, the assault or even murder of a spouse caught in flagrante delicto committing adultery was excusable under the law. It was instructive to note, however, that only husbands in Ecuador had recourse to those provisions and that their ascendants and descendants were also exonerated from such action taken on their behalf.

30. The reforms to the Civil Code contained in Law No. 43 represented undoubted progress for the cause of women's rights in Ecuador. The law now recognized the rights of illegitimate children. Whereas previously, the husband had been the sole administrator of the couple's property, the matrimonial property regime could now be chosen by the couple at the time of their marriage. Women were no longer obliged to reside at the place chosen by their husbands, and pregnant women who were separated or divorced from their husbands were no longer obliged to accept a chaperon of their husband's choosing during their pregnancy in order

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to ensure that the child would be recognized by its father. Women were now free to remarry immediately after their divorce, provided that they proved to the satisfaction of a judge that they were not pregnant at the time of their divorce. The legislation had also been amended to substitute "father and mother" in relevant sections of family law where previously only "father" had been mentioned. That amendment was particularly helpful in affirming the authority of mothers vis-à-vis their children. The words "indissoluble" and "for the rest of your life" had been eliminated from the marriage vows, in the face of strong opposition from traditionalist women's groups. A hostile attitude was now accepted as grounds for divorce, since it prevented the couple from enjoying a stable matrimonial life. In addition, the period of separation which constituted grounds for divorce had been reduced from four to two years. The abandonment of the conjugal home by a spouse was also grounds for divorce.

31. The draft Civil Code currently before the National Congress provided for the appointment of family judges who, thanks to their special training, could adopt a non-legalistic approach to family cases. On the question of women's rights within the family, certain sexist stereotypes still prevailed concerning the respective roles of men and women. Ecuadorian law was rooted in the civil law of ancient Rome and in the principle of patria potestas, and it was therefore important to change the values of the society through education.

32. Turning to the questions posed by the Committee concerning specific articles of the Convention, she reported that the National Directorate for Women had achieved considerable success in its work with prostitutes. An in-depth study had been carried out of the problem of prostitution and a number of social rehabilitation programmes successfully implemented. In addition, a mechanism had been established to provide information on disease prevention and health care to prostitutes. Unfortunately, prostitutes suffering from AIDS were treated very callously by both the public and the police authorities. Nevertheless, Ecuadorian prostitutes had established two national associations which, despite initial difficulties, had proven effective in creating greater political awareness of the problems faced by that group of women, defending their common interests and promoting greater solidarity within the group.

33. On the subject of women in political life, she reported that, while a number of proposals had been made, no laws or measures had been adopted to increase the number of women in Parliament and in the executive branch. Moreover, none of the political parties encouraged female participation through a quota system or other means. Trade unions had offered little help to women in that regard.

34. Replying to the questions posed on article 10 of the Convention concerning discrimination in education, she said that in addition to the national literacy campaign she had already mentioned, a separate campaign organized by the National Directorate for Women had focused on training women in rural areas to keep girls from dropping out of school. As part of its reforms, the Ministry of Education had modified the sexist content of both textbooks and school curricula. Also of interest was the recent appointment of a woman as Minister of Education. Unfortunately, no statistics were available on the number of

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women and men who obtained loans and international scholarships or joined the ranks of the higher education administration.

35. On the subject of discrimination against women in the field of employment, Ecuadorian women, like all citizens, had recourse to the courts when they suffered discrimination in their work. There was no special legislation, however, that protected female workers who were victims of sex discrimination.

36. The employment of minors was not prohibited in Ecuador. Instead, in the face of the social and economic realities, the legislation governing minors protected them from exploitation in their work and prohibited their employment in any occupation or environment that could disrupt their education or adversely affect their physical, mental, spiritual, moral or social well-being.

37. Replying to the question posed under article 12 concerning the priority measures that had been taken to improve the health situation of women in rural areas, 67 per cent of whom lacked such basic health services as sanitation and drinking water, she acknowledged that the Government had no meaningful policy in that area, despite the proposals that had been put forward by the Ministry of Health.

38. With regard to the participation of women in the preparation and implementation of development plans, particularly in agriculture, she replied that it could not be said that women were in a position to influence governmental decisions in Ecuador, despite the presence of a woman as Minister of Education, several women sub-secretaries of Ministries and five female deputies in Parliament.

39. The CHAIRPERSON said that the detailed response of the representative of Ecuador clearly illustrated the critical nature of the situation facing women in Ecuador. Indeed, women and children bore the brunt of the hardships imposed by the current structural adjustment programme and the high unemployment levels in that country. Many members of the Committee were themselves involved in the struggle for the defence of women's rights in their respective countries and, at the individual level, the Committee wished to express its solidarity with the women of Ecuador at a time when the Criminal Code was being reformed. It might be possible for the Committee to organize a seminar in that country and to make specific recommendations to its Government.

40. Referring to the authority which husbands in Ecuador exercised within the family, she noted that even in Italy, which had one of the most advanced legislations of Europe in the field of women's rights, a new family code had only recently been adopted and the principle of patria potestas abolished. Progress therefore required much effort and sacrifice. That was particularly true at the present time because of the unfavourable economic climate, which affected women disproportionately.

41. Ms. GARCIA-PRINCE said that, as a Latin American, she was deeply moved and distressed by Ecuador's report, and thanked the representative of that country for her frankness. The report left no room for doubt that Ecuadorian society was patriarchal, male-dominated and discriminatory towards women. The situation there was so grave that posing questions on particular articles would be pointless. The Ecuadorian Government must abide by the Convention it had signed and put a stop to the continual daily transgressions against the fundamental rights of women.

42. Ms. CARTWRIGHT said that she wholeheartedly shared the views of Ms. Garcia-Prince. Ecuador was indeed confronted by severe economic problems; it had been shown, however, that the question of women's rights could be addressed without large disbursements of funds. Although, by ratifying the Convention, Ecuador had pledged to afford women their rights, it had certainly not brought its laws into compliance with that instrument. Legislative changes had great symbolic significance and profound impact on society. Ecuador must be called upon to conduct an immediate systematic review of all parts of its legislation and confer equality upon women.

43. Ms. BUSTELO said that economic and social conditions in Ecuador indicated that much remained to be achieved in that country. Important cultural advances and educational reforms had nevertheless been achieved. The women of Ecuador were to be commended for modifying legislation in a manner entirely consistent with the terms of the Convention. While the representative of Ecuador had offered a frank and detailed account of the current situation in that country, she had not told the Committee how the Government intended to implement the Convention. She stressed that it was above all the responsibility of Government to draft laws and to modify already existent laws in accordance with that instrument, which it had ratified without reservations. Human rights instruments regarding women must not be treated as secondary.

44. Ms. AOUIJ said it was apparent from the report that while many bills had been drafted, they had not yet been enacted as law. If, however, discriminatory attitudes towards women were to be altered, both legislative reform and consciousness-raising measures were of the utmost importance. Change must be desired not only by a small group of feminist intellectuals but by women at all levels of society. Once that first phase was attained, women could then proceed to mobilize on their own behalf. Lastly, she proposed that the Committee should explore means of expressing its support for the women of Ecuador.

45. Ms. ABAKA said that, if such a measure fell within its purview, the Committee might consider issuing a statement of solidarity with the women of Ecuador. Deplorably, the report had been deficient in plans to improve the situation in that country. Clearly, however, such basic human needs as clean water and good food were at least as important as legislative reforms. Since legal rights could not be enjoyed without life itself, Ecuador should accord close attention to development issues.

46. Also of concern was the naming of children outside wedlock. Significantly, naming and the recognition of paternity were quite separate matters; paternity could be established by a simple medical procedure. A mother must be accorded

(Ms. Abaka)

the right to give her name to her child. Furthermore, attitudinal change was necessary towards AIDS patients, and especially towards prostitutes, who should be treated with the same respect and compassion as others: the manner in which they had contracted the disease was not important.

47. Ms. KHAN said that she was pleased to note that, despite social and economic distress, Ecuador had undertaken significant legislative and judicial reforms in compliance with the Convention and had repealed certain discriminatory provisions in the Penal Code. The report revealed, however, that the Constitution of Ecuador disallowed temporary affirmative action measures on behalf of women. In a society such as that of Ecuador, where custom and practice were so profoundly infused with machismo, such measures could prove effective. Violence against women was also a grave problem in Ecuador. Reports by non-governmental organizations had shown that the great majority of suits filed by women involved domestic violence; gender violence was, however, generally considered a private or domestic matter and neglected by the courts.

48. Attitudes were difficult to change, but not unchangeable. By means of both consciousness-raising and temporary affirmative measures, stereotypes could be altered. Ecuador's next periodic report should include plans to eradicate such derogatory and discriminatory stereotypes from its society.

49. Ms. MAKINEN said that there was a considerable discrepancy between the terms of the Convention and both the de jure and the de facto situations in Ecuador. In her view, the next report should include an evaluation of Ecuadorian legislation, with emphasis on those contradictions.

50. Ms. NIKOLAEVA said that the women of Ecuador should unite to secure equal rights for women. The tragic circumstances that prevailed could not be explained by economic conditions alone; the Government plainly lacked the political will to redress the discriminatory situation that existed. The Committee must therefore take action to compel that Government to abide by its commitments under the Convention. It was deplorable the legislative changes described in the report were still in draft form. Ecuador must be reminded that such conduct was shameful in the context of an international judicial forum. She proposed that the Committee should request Ecuador to prepare a special report to be submitted in two years' time, on the alterations it had made in its legislation pursuant to the Convention.

51. Ms. OUEDRAOGO said that it would be interesting to explore whether the combative spirit demonstrated by Ecuadorian feminists was also evident in other sectors of Ecuadorian society, such as the rural environment. It would also be useful to consider whether the educational system perpetuated the blatantly patriarchal attitudes of that society. Mere legislative reform was not, she agreed, sufficient to ameliorate the situation of Ecuadorian women who were completely denied their fundamental rights: education and consciousness-raising were also essential. Ecuadorian women must meet with experts and organize meetings and seminars, with a view to developing nationwide strategies informed by their own unique social and economic context.

52. Ms. SCHÖPP-SCHILLING said that she shared the concerns of other members of the Committee. She stressed that legislation could be brought into line with the Convention without a significant disbursement of resources. She also wished to draw Ecuador's attention to the Vienna Declaration and Programme of Action, under whose terms assistance could be made available to Member States for the implementation of human rights instruments.

53. Ms. GURDULICH de CORREA said that a change in the composition of legislative bodies was crucial if anti-discriminatory legislation was to be passed on behalf of women. Furthermore, judges would simply not implement such laws if they were not backed up by massive support on the part of women. She pointed out that Ecuador was a member of the Inter-Parliamentary Union, which had recently advocated that certain rigorous measures should be taken to seat women in legislative bodies, such as, for example, the allocation of funds by political parties for nationwide leadership training of women.

The meeting rose at 6 p.m.